

BORDER ENFORCEMENT ACCOUNTABILITY, OVERSIGHT, AND COMMUNITY ENGAGEMENT ACT

- >Robust, independent oversight of all border security functions
- >Transparent and timely complaint process for those subject to mistreatment
- >Increased and improved training and continuing education for front-line CBP Agents and Officers
- >Enhanced engagement with border communities
- >New transparency through mandatory and stringent reporting requirements regarding use of force, migrant deaths and protection of civil liberties

Why We Need This Bill:

- Our nation spends \$18 billion a year on border security and immigration enforcement, more than we spend on all other federal law enforcement activities combined. In the past two decades, Congress has increased border security funding by 1,450%.
- Congress has also passed at least four laws since 1986 authorizing increased Border Patrol personnel. As of January 2013, the Border Patrol had 21,370 Agents, including 18,462 posted at the Southwest border and 2,212 posted at the northern border, which is double the number of Agents from seven years ago. CBP has also increased the number of Officers it stations at ports of entry to 21,650, which is an all-time high.
- Given these extraordinary resources, CBP on any typical day processes nearly 1 million passengers and pedestrians at land, air, and sea ports of entry and conducts 1,153 apprehensions between U.S. ports of entry.
- CBP's authority to carry out these searches, however, is an exception to the normal 4th Amendment requirements of a warrant or probable cause. This means that searches can be conducted based on a mere suspicion by law enforcement. If you live or travel along the border with Mexico or Canada, including up to 100 miles inland, your personal effects, including your cellphone and laptop, can be searched and impounded at the discretion of the person interrogating you.
- Recent news accounts involving unacceptable uses of force and violations of people's civil liberties during these border searches have made clear that the current management of our border security apparatus is unacceptable. It is time for independent oversight, better training for our CBP Officers and Agents, and a means for individuals whose rights have been violated to seek redress.

Examples – Violations Occurring Along our Borders:

- In December 2012, a 54 year old U.S. citizen named "Jane Doe" (name withheld) from New Mexico was subjected to over six hours of invasive and humiliating full-body cavity searches and forced bowel movements without a warrant on the suspicion she was carrying drugs – CBP Officer and Agents found nothing. Jane Doe was then taken to the public hospital in El Paso, invasively searched and x-rayed against her will by doctors at the request of CBP Officers. Again, no traces of illegal drugs were found either and she was billed \$5,000 for the exams.
- Pascal Abidor, an Islamic Studies Ph.D. student was crossing the Canadian border on Amtrak when he was questioned, taken off the train in handcuffs and held in a cell for several hours before being released without charge. His laptop was confiscated for 11 days by CBP Officers who read his private messages and viewed photos of his girlfriend.

- In 2013, a lawsuit was filed against a CBP Officer in Brownsville, Texas, for throwing a woman on the ground with such force that it caused her to have a miscarriage. The officer also allegedly placed the handcuffs on the woman so tightly that the local fire department had to be called to remove them.

SUMMARY

- The Bill creates an independent Border Oversight Commission with subpoena authority. The Commission would be responsible for evaluating the DHS's border security and immigration related practices.
- Places an Ombudsman for CBP within DHS. The Ombudsman would be responsible for representing the interest of the public by investigating and addressing complaints in a timely and transparent manner.
- Establishes a Border Community Liaison Offices, comprised of community members and CBP agents and officers, along the northern and southern border regions. The Liaison Offices would be tasked with promoting and fostering greater coordination between border communities and CBP.
- Mandates additional training and continuing education for CBP Officers and Agents with a focus on officer safety, use of force and non-lethal means of enforcement and protection of civil rights.
- Requires DHS to provide Congress multiple reports, including use of force guidelines and an assessment of current management practices at ports of entry.
- The Bill establishes stringent practices for the tracking of migrant deaths along the border and recommendations for preventing further details.